IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 262 OF 2007
IN
STAMP NUMBER MAIN NO. 913 OF 2007

DEPUTY COLLECTOR AND S.D.O. LAND ACQUISITION OFFICER AND ANR., ... Applicants
Versus
SHRI. SANSTHAN PARTAGAL JIVOTTAM MATH ... Respondent

Ms. Rakhi Chodankar,Advocate for the applicants.
Ms. Priyanka Kamat, Advocate for the respondents.

Coram:- R.M.S. KHANDEPARKAR &
R. S. MOHITE, JJ.

Date:- 14th August, 2007

P.C.

Heard the Advocate for the parties. This is an application for condonation of delay of 106 days in filing first appeal. The grounds disclosed for delay in filing first appeal relates to time spent in obtaining legal opinion as well as on account of movement of the files in the office of Superintendent Engineer.

The appeal is against the award dated 31st August, 2006 passed by the reference Court in proceeding U/s.18 of the Land Acquisition Act, and by the impugned award the reference Court has enhanced the compensation from the amount which was awarded by the Land Acquisition Officer U/s.18 of the said Act.

Considering the facts disclosed in the application, though the same do not disclose particulars in detail about the movement of the file in the office of Superintendent Engineer, the facts and the circumstances of the

case and as the matter relates to the challenge to the order of disbursement of public money, in our considered opinion, sufficient cause is shown for condonation of delay of 106 days in filing the appeal. Undoubtedly, at the same time, the right which is accrued to the respondent is on that count to be taken away and which cannot done without compensating the respondent in that regard. Hence, delay is condoned subject to the payment of costs of Rs.2,000/- to the respondent. The costs shall be initially paid by the Government. However, the Law Secretary, Government of Goa shall enquire into matter and fix the responsibility of the officer or officers who are responsible for delay for 106 days caused in filing the appeal and thereupon the government shall initiate necessary action to recover an amount of costs from the officer or officers, who are responsible, as the case may be. Application accordingly, is allowed in above terms and disposed of.

R.M.S. KHANDEPARKAR, J.

R. S. MOHITE, J.

SMA